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DOC RECOMMENDATIONS

"When we're not held accountable, the culture inside the prisons becomes a place that is so foreign to the culture of the real world that we develop our own way of doing things."
Jack Cowley, former prison warden in Oklahoma

I. Images/Stereotypes and Racism

Countering stereotypic images of Indians, the Bureau of Justice report on violence found that Indians are the most violently victimized racial group in U.S. Moreover, the violence is inter-racial, not intra-racial (as with other racial groups) and they are most victimized by Euroamericans.

It is imperative to recognize racism as a problem in Montana. Racism influences every aspect of the criminal justice system (cjs), from who is seen as criminal/deviant to how they are imaged by parole officers. Indians are not more criminal than non-Indians, so why are they disproportionately represented in the cjs? The sheer number of Indians who are incarcerated should trouble us.

Native prisoners believe that the state government must recognize the overt and covert discrimination operating in the cjs. They propose that the Native nations create a liaison position between the prison system and Indian reservations.

II. Incarceration

Regarding conditions of confinement, there is a need to eliminate the culture of violence in prison. In the words of the director of the Prison Law Office in California, Donald Specter: "The culture of our prisons virtually dictates the level of violence that you will have in them. And if you change that culture, you will reduce the violence."

Violence remains a serious problem, whether it's inmate-inmate or guard-inmate. "Quite frankly, no one denies that violence occurs in prisons and jails in this country (Roderick Hickman, California corrections secretary)."

Interaction with Guards and Prisoners:

Prisoners who are mistreated become resistant and sometimes hostile. Or as former Minnesota Warden James Bruton writes, "Contempt breeds contempt."

Promote a culture of mutual respect. Guards cannot be allowed to dehumanize and humiliate; this is a form of violence. Prisoners desire to be treated with respect by prison staff. They also recommend consistency in rule enforcement.

Prisoners were concerned about the sexual intimidation on the part of some male

guards. They suggest that male guards not work the night shift. Also, they recommend a more specific definition of sexual misconduct, so that comforting someone or showing appreciation through behavior such as hugging will not be considered an infraction of the rules.

The Prison Commission Report found that crowding breeds violence. Prisoners believe that overcrowded conditions contribute to poor inter-prisoner relations. Prisoners recommend that prisoners' relationships with each other will be eased if the prison is segregated between long-timers and short-timers.

Prisoners recommend that confinement in maximum security be limited. Lengthy stays in max is a form of violence.

Physical and Mental Health Issues:

Focus on rehabilitation, not jail, for drug-abuse. For e.g., drug court. One ex-felon said: "I think treatment court is a great thing a long time coming. As addicts we must be held accountable for our actions and choices and UA's on regular basis help us to stay honest with ourselves and others. Rehabilitation is key and it is about time. Addiction is a disease and who would put a sick person in prison for 20 years and take their children and parental rights?"

Methamphetamine is the newest threat in Montana and Indian Country. Joe Garcia, the President of the National Congress of American Indians recently said that, "Methamphetamine is killing our people and devastating our communities." It is estimated that 2% of the Indian population is using meth. Some tribes, for example the Lummi, are disenrolling tribal members convicted of selling drugs. The traditional punishment of banishment is making a comeback. We must pay attention to our young people, and recognize that solutions are not going to be easy.

Prisoners believe that the prison deliberately abuses them with inadequate health care, and see this as a form of violence.

Prisoners recommend a decrease in the amount of mind-altering drugs prescribed, and endorse the hiring of additional health-care practitioners. Self-injury is a sign of distress (seeking relief from emotional pain) and needs to be taken seriously by prison staff.

Commit to caring for people with mental health problems, and protect the mentally ill as they are especially vulnerable. In the words of an ex-prisoner: "Mental Illness in prisons is another very dark area. There were 3 truly mentally ill women in prison when I was and they were kept in solitary confinement the 7 months I was there. They would act out and they would extricate them from their cells. The corrections officers said they were only trying to get a free ride to Warm Springs. Like anyone would love to go there. No sane person, acting crazy, could live like that for that long. Who are the CO's to make that call? My heart hurt for those women." This kind of treatment is another form of violence.

Native prisoners desire counseling specific to meet their needs. Prisoners advocate more counseling and treatment programs, and the employment of qualified staff. Need qualified counselors and therapists, who understand trauma, various oppressions, and colonialism.

Institutional Culture and Native Cultures:

The Prison Commission Report says that, "Changing institutional culture requires assessing the values, beliefs, and behavior of management, staff, and prisoners in an institution and then developing a plan to address problems. That plan must include training for staff and managers that emphasizes communication, cultural sensitivity, and constructive problem solving."

Eliminate cultural policing and the repression of Native cultures. For e.g., let prayer leaders from reservations into the prisons. Also, prisoners suggest that prison staff enlighten themselves on the American Indian Religious Freedom Act.

One cjs worker said: "I do know that the sweatlodge ceremonies help these women to deal with incarceration. There is a woman in Purdy who has been there for 17 years. She must be in her late 30's and she will not be eligible for parole until 2034. She said that she tried to kill herself four times and that she started to be allowed to go to the sweatlodge ceremonies and that is what she lives for. She is a strong, powerful leader in there--she builds the fire and sometimes pours the last two rounds for us. All the women look up to her and she has good communication with the guards as well. The freedom they feel while inside the fenced off area for the sweatlodge is their saving grace."

Educate all prison staff on Indian cultures. For e.g., Crow reservation and kids suspected of gang behavior by expert because he thought they were making gang signs. They were signing in Indian and had just finished a handgame tournament. According to a local teacher, these "signs" were mistaken for gang behavior.

Native prisoners desire cultural activities tailored for Native prisoners (for e.g., beading and quill work classes). They also want the freedom to form a group that will allow them to share feelings and resources with each other.

One ex-prisoner said: "A better understanding of Native ways and family dynamics would be great. Not only understanding, but acceptance. We come from two different worlds and that needs to be accepted not ridiculed or changed. We need to not feel bad or wrong because of our cultural differences. This I experienced a lot of in my incarceration and came out almost ashamed of being Native. I spent my whole life being proud of being Native and it did not take the system long to undo that." Cultural genocide, or ethnocide, is a form of violence.

Educate all on the Healing Lodge (HL), located in Maple Creek, Saskatchewan. For e.g., compare recidivism rates of MSP to the HL. The concept underlying this alternative prison is true rehabilitation and healing through culture-specific programming. The HL encourages an environment conducive to the empowerment of Native women—one that is free of racism, sexism, and classism.

Other Issues:

Prisoners propose increasing access to attorneys and legal information. Because some file their own appeals and do not have access to a copy machine or carbon paper, the legal process is especially cumbersome.

Promote higher education for prisoners. For e.g., upgrade prisoner library and access to reading materials.

Prisoners recommend an expansion of the prison industries program, and they advocate an increase in pay for this position and for in-house jobs. They also suggest that, to lessen tension among prisoners, all jobs have the same pay. One prisoner offered that the more they are involved in employment, educational and counseling programs, the less likely they will be to "play games." Women serving long sentences are especially critical and burned out on existing programs.

Organize volunteer programs (drive children to visit, visit those who don't receive regular visitors, etc.). For e.g., a "cousin program."

Promote productivity and rehabilitation. Invest in programs that are proven to reduce violence and to change behavior over the long term. Shelby needs attention regarding these issues (no programming and much prisoner violence).

Healing programs should be offered: creative writing, dance, music, and art therapy, yoga, etc. One cjs worker said: "The women need creative outlets too. When they are allowed to be productive/work in the prison it builds their self-esteem. They love to share their knowledge and life experience."

Prisoners propose a raise in the gate-pay. Also, gate-pay for men and women must be equal.

Understand criminality as a process (read *Chief*, *Inventing the Savage*, and *Stolen Life*).

Maintaining Family Ties:

Make efforts to ensure prisoners stay connected to their families. This should include an agreement with the phone company. The cost of keeping in touch prohibits many inmates from doing so, and operates as a tax on poor families.

And, there is a need for a better family visiting area.

In the words of an ex-prisoner: "I believe it is imperative that women remain in contact with their children because the children end up paying more for the mothers sins than anyone. If you still have your children you still have hope."

III. The Children

"I cried until my eyeballs fell out," said a young girl whose mother was sent to prison. Incarceration is especially hard on the children.

Prison visitation rules, both formal and informal, appeared to be controlling and punishing. Mothers should be given the clear message by prison authorities that it is beneficial to have physical contact with their children, rather than informal rules that communicate mothers will be punished if physical contact occurs between them and their children.

Prisoners recommend that minimum-status mothers be permitted supervised walks with their children, which would provide some privacy as well as entertainment for the children.

Consider a halfway house outside prison for mothers with newborns.

Prisoners recommend that they be allowed to plan parties for children on certain holidays. Prisoners recommend a revision of the policy on visitation, which would include the opportunity of seeing their children at least once a month.

The issue of contact speaks to larger concerns, such as the need to restructure the prison's environment or perhaps provide furloughs to enable mothers to visit more often with their children.

Children need to be searched in a loving way (hugs). Parents are not prepared for how children will be patted down. They felt that the children were traumatized because they were not prepared. Family Day activities and Steve Griffin highly praised.

The Adoption Assistance and Child Welfare Act (1980), dictates that efforts must be made to reunite children in foster care with their natural parents even if they are imprisoned. Reunification plans should include frequent visitation between natural parents and their children, and regular contact between social workers and natural parents. Neither prison staff nor the state employee involved with child placement discussed this Act. Because of their lack of knowledge or noncompliance, we can assume that their advocacy for the mothers and children is impaired. As well, no prison staff or the social worker knew about ICWA, which affects Landless Natives more than others.

The state must support families financially and otherwise to take care of children of imprisoned mothers.

Need a program for the children of imprisoned mothers. (Use the one in Great Falls as a model—see *Great Falls Tribune* from last year.)

IV. Parole

One Native PO recommended the removal of negative imagery regarding Indians from office walls. For e.g., in one office a picture regarding pregnancy and alcohol abuse is of an Indian woman. These images feed negative stereotypes many non-Indians working in the offices may have of Natives as "drunken Indians."

Prisoners recommend that after release from prison, a liaison between the prisons and reservations could serve them regarding job placement and reintegration into their

communities. A liaison could also help them write support letters to the parole board and aid them in locating funds for educational purposes.

Landless Indians feel particularly jeopardized by not having a tribal structure that typically provides services (such as education). They are especially worried about the transition from the inside to the outside and believe that the Indian Affairs coordinator's office should assist them upon their release from prison.

The Indian Affairs office could also serve as a watchdog agency, especially with regard to sentence disparity, ICWA compliance, and religious freedom issues.

Landless Natives, citing an issue of sovereignty, suggest that both the Indian Affairs office and individual tribes exercise more authority regarding Native prisoners.

Parole officers must be educated on Indian cultures. For e.g., it was recommended by a Native PO that Native parolees be assigned to Native POs. For one, they understand reservation culture, which can be invaluable for intake.

POs would like more information about Native programs. Many times Native parolees are disconnected from their reservation and/or extended family, and the PO would like to connect them to various programs.

Native POs recommend having a Native PO to work with the tribal police, especially when apprehension is concerned.

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